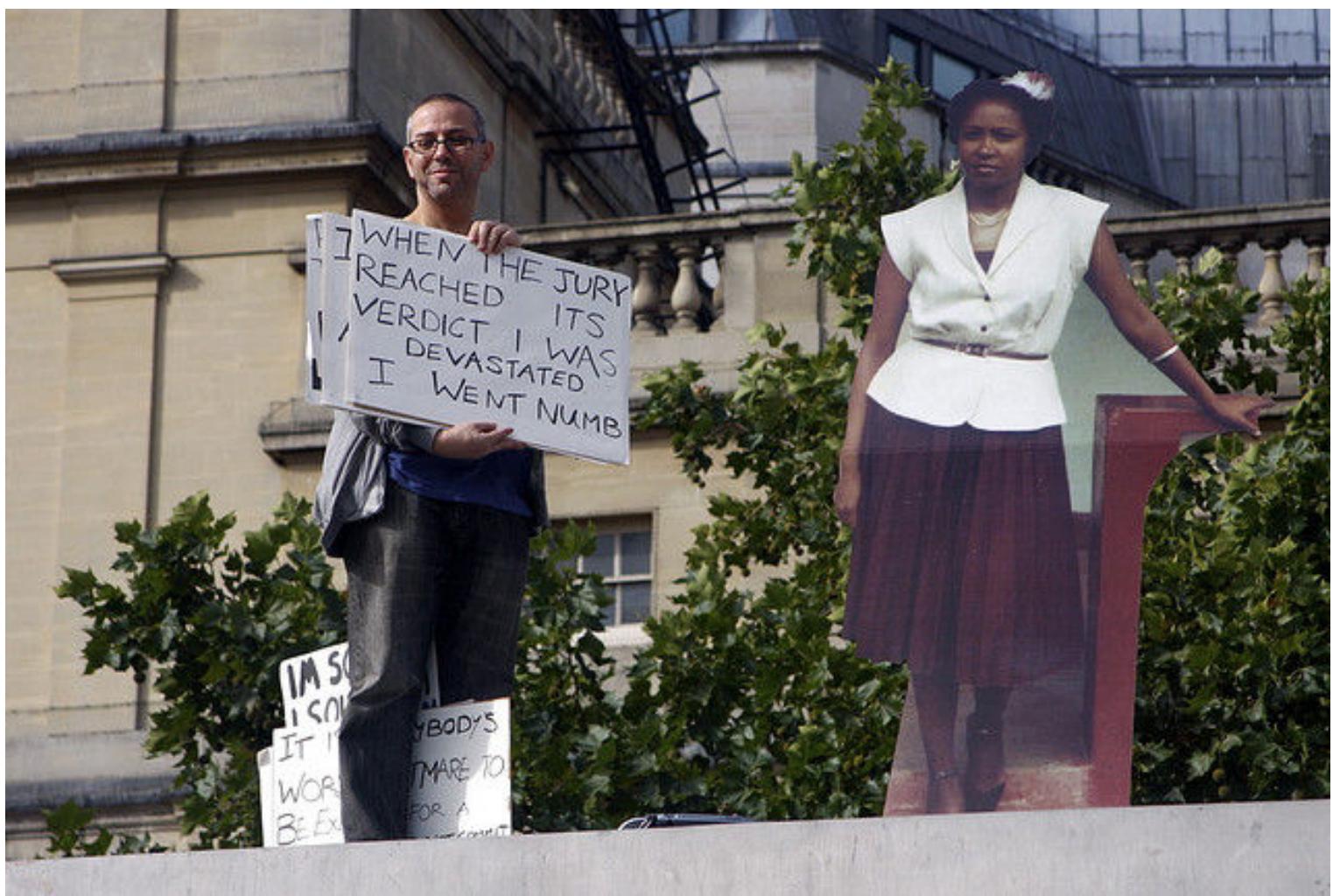


12 myths about Linda Carty debunked

This is a fact sheet that debunks concisely 12 of the myths currently being peddled about convicted murderer Linda Carty by Clive Stafford Smith, his Reprieve organisation and their dupes.



Other, more in-depth and confrontational articles about convicted murderer Linda Anita Carty can be found [here](#). Follow the links! The following was inspired loosely by [Myths About Mumia](#). The myths and refutations are in no particular order.

- 1) Linda Carty was convicted and sentenced to death after a "[catastrophically flawed](#)" trial.

The appellate courts do not think so. There are currently 37 American states that have the death penalty; most use it sparingly if at all, but Texas executes far more convicted murderers than any other state.

All convictions for capital murder are reviewed by tribunals of appeal; Linda Carty's conviction and sentence have both been so reviewed, more than once. Although the courts have criticised her legal representation, they have also ruled that she received a fair trial and that the weight of evidence against her was so great that whatever her legal representation, no other outcome could have reasonably been expected.

2) "She has always proclaimed her innocence and would certainly not be on death row today if she had been assigned adequate defence counsel at trial."

It is one thing to proclaim one's innocence, another to convince a jury of it. At trial, Linda Carty was not of course obliged to prove anything; the State was. And it did. Her defence lawyer (or defense attorney as they say in America) gave her adequate representation. Unfortunately for her, the evidence against her was not simply adequate, it was overwhelming.

Incidentally, Carty did not proclaim her innocence at her trial, she elected not to testify.

3) "Her court-appointed lawyer, Jerry Guerinot, has sent more prisoners to death row than any other lawyer in the United States".

Lawyers do not send murderers to death row, juries do. Jerry Guerinot was a public defender * in Harris County, Texas. He specialised in capital cases. Consult [this table](#) before drawing adverse inferences about his competence.

4) Jerry Guerinot spent 15 minutes with his client before her trial.

This is a blatant lie, one of many of such lies to come out of the mouth of Saint Linda which are parroted uncritically by Clive Stafford Smith, Reprieve generally, and many of Carty's supporters. Linda Carty had not one but two trial lawyers: Jerry Guerinot and the former Windi Akins. She was uncooperative with both of them, a fact that was acknowledged by the appellate courts.

5) “He did not present evidence on her behalf or even investigate Linda’s case in any depth”.

Linda Carty’s defense was a blanket denial: she did not participate in the robbery; she did not kidnap Joana Rodriguez and her baby; she did not murder her.

The State was able to prove that her daughter’s car and a hire car (that Carty hired) were used in the commission of the crime; the victim was actually found trussed up in the trunk of one of them. The State was also able to prove that her cell-phone (mobile phone) was used to phone one of the kidnappers repeatedly during the commission of the crime. The State also produced numerous witnesses to implicate her in the crime.

These witnesses were cross-examined by Carty’s lawyers, but their evidence was accepted as truthful. Carty herself did not offer an alibi nor did she take the stand. She claims today to have been framed by wicked drug dealers. These claims have been rejected by both the jury and the appellate courts.

6) Jerry Guerinot did not inform the British Government of Linda Carty’s case until it was too late. As a result, the Government could not intervene on her behalf.

This statement is true, but with a big qualification. Carty told both her lawyer and the court that she was born in the American Virgin Islands and was therefore an American citizen. After she was convicted and sentenced to death, she looked around in desperation, and found Clive Stafford Smith. He and Reprieve know the score but they are prepared to peddle this lie to the public because their ideological opposition to the death penalty far outweighs whatever commitment they have to the truth.

Even if Carty had been honest with her lawyer and the courts from the start, consular assistance is not a get out of jail free card. The Foreign Office warns British nationals when travelling abroad to be careful not to offend local customs. In places like Saudi Arabia, drinking alcohol may result in imprisonment or even a public flogging. Smuggling even a small quantity of drugs in some countries can land a tourist in serious trouble.

While a British diplomat or minister may be able to charm the King of Saudi Arabia into commuting a flogging to a prison sentence or even a fine, a capital murder charge brought on overwhelming evidence is a different kettle of fish, in Texas or anywhere else.

7) “On 16 May 2001, three men broke into the apartment of Rodriguez and her partner Raymundo Cabrera, demanding drugs and cash. They abducted Rodriguez and her four-day-old son, Ray, who was later found unharmed in a car, while Rodriguez had suffocated. The perpetrators struck a deal with the prosecution to save their own lives by trying to shift the blame onto Linda”.

Carty recruited the gang; although her co-conspirators were ruthless men, they were interested only in drugs and money, both of which she had promised them in abundance. They were prepared to invade a private dwelling, brutalise its male occupants, and kidnap a young mother and her baby, but they had no appetite for murder, whether out of humanity or more likely fear of the consequences if they were brought to book.

The State recognised this, and offered them each a plea bargain. This saved the expense of a complex trial or separate trials for each of them. A plea bargain can put undue pressure on a defendant, but there are situations in which it is both moral and expedient for both parties.

At least one of Carty's co-defendants was not totally beyond redemption; if Christopher (Chris) Robinson had been as ruthless as her, three people would have been murdered instead of one. According to his own testimony – which was apparently accepted by the State of Texas – Robinson also tried to save the victim, but by the time he had ripped the plastic bag off her head, she was dead.

8) "The odds were always stacked against Linda. It is extremely difficult to get new evidence admitted in US capital appeals."

What *new evidence* might that be?

Leaving aside this non-existent new evidence, after conviction, new evidence will be admitted subject to two broad criteria. It must be evidence that was not available at the time of the trial, or failing that, there must be a good reason it was not so adduced. The most obvious example is new forensic evidence, such as was admitted in the case of Thomas Haynesworth. The second broad criterion is that new evidence must be worthy of belief. The reader should check out some of the new evidence peddled by the supporters of [cop-killer Mumia Abu-Jamal](#) for the sort of nonsense no tribunal of appeal will entertain.

9) "During the 80s, Linda worked as a hair stylist, and the chatter of women associated with local drug dealing led Linda to work as a confidential informant for the Drug Enforcement Agency (DEA). Linda has always asserted her innocence of the murder charges, and believes that she was framed because of her work with the DEA."

How many lies is that? Linda Carty became a confidential informant (a snitch) in 1992; the reason she did so had nothing to do with styling hair. She stole a car while posing as an FBI agent. Although stealing a car is hardly a capital offence, posing as a government official and especially a law enforcement officer is always a serious offence, and for good reason. (Serial killer Ted Bundy posed as a police officer to kidnap Carol Daronch; if she hadn't fought like a tigress, she would have been brutally murdered).

As well as facing a prison sentence, Carty would have quite likely faced deportation as an undesirable alien, so in return for ten years' probation, she agreed to become a snitch. Her work led to two arrests before she was told her services were no longer required.

It is clear from reading between the lines of accurate, unsanitised accounts of Linda Carty's activities that she was a woman who was very much involved in criminal activity, albeit at the bottom end of the economic scale. In other words, she was far from the saintly Sunday school teacher she is made out to be by Reprieve.

10) “In 1988 Linda was raped in a University of Houston car park. The rape resulted in a pregnancy and Linda gave up the baby girl (born 23 June 1989) for adoption.”

11) Linda Carty certainly gave birth to a daughter and put her up for adoption, but according to Houston Police, she did not report being raped. While it is true that not all rapes are reported, a woman who is raped in a car park by a stranger would almost certainly report the crime, or at the very least would take precautions to ensure she did not become pregnant or infected with some sexually transmitted disease. This is especially true of a woman like Carty who by her own account came from a fairly privileged background, and was also highly intelligent – she studied pharmacology at Houston University.

There is no corroboration of the rape claim; it is most likely that Carty became pregnant after a one night stand or a fling, which in the 1980s was far more of an inconvenience than a social stigma.

It is most likely too that she invented the rape claim in order to generate unwarranted sympathy for her, and even if it were true it is hardly any sort of mitigation for a murder committed more than a decade later, or at all. It may though be relevant to the case in another way. If she had been ashamed or felt guilty over giving up her baby for adoption – as do many women – it might explain her perverted obsession to murder Joana Rodriguez and steal her baby. This tends to suggest that her best defense would have been some sort of insanity plea, but she insisted she was totally innocent, and her lawyers were obliged to follow her instructions, even though they had her examined twice by a clinical psychologist.

12) “Guerinot never spoke to Linda’s common-law husband, Jose Corona. Corona was called as a witness by the Prosecution. It was never explained to him that there is a marital privilege and under that privilege he had the right to refuse to testify. Had Guerinot informed him, Corona would never have testified. The prosecution tried to make much of some very unreliable gossip about Linda, and he did not want to help them secure this unfair conviction”.

By the time she murdered Joana Rodriguez, Jose Corona and Carty had split up; it was he who left her because of her incessant lies. The question of spousal privilege is complicated when the parties are not married, but there is a saying in English law that there is no property in a witness. In other words, the prosecution called Corona at its peril; he could have said anything about Carty; he might even have given her an alibi. In short, if she were totally innocent and such a wonderful person, why should she not want the man with whom she had shared her life to testify either on her behalf or for the prosecution?

As to “The prosecution tried to make much of some very unreliable gossip about Linda”, this claim is ludicrous. Gossip is hearsay, and is not admissible in criminal trials. Also, in any trial, unduly blackening the name of a defendant or a witness can have adverse consequences for the offending party by alienating the jury.

[The above article was [first published](#) December 20, 2011. * Jerry Guerinot was a court-appointed lawyer rather than a public defender; the latter is a government employee. My mistake. The photograph was taken in Trafalgar Square, London. An idiot is standing on [the empty plinth](#) with a cut-out of Carty.]